



Licensing and Appeals Committee

Date: Monday, 9 September 2019

Time: 10.10 am (or at the rise of the Licensing Committee)

Venue: Council Antechamber - Level 2, Town Hall Extension

Everyone is welcome to attend this committee meeting.

This is a supplementary agenda and contains information that was not available when the agenda was first published.

Access to the Council Chamber and Antechamber

Public access to the Council Antechamber is on Level 2 of the Town Hall Extension, using the lift or stairs in the lobby of the Mount Street entrance to the Extension. That lobby can also be reached from the St. Peter's Square entrance and from Library Walk. **There is no public access from the Lloyd Street entrances of the Extension.**

Membership of the Licensing and Appeals Committee

Councillors - Ludford (Chair), Grimshaw (Deputy Chair), Andrews, Evans, Flanagan, Hassan, Hughes, Jeavons, T Judge, Lynch, Lyons, McHale, Madeleine Monaghan, Reid and Stone

Agenda

1. **Taxi and Private Hire Licensing Quarterly Compliance Report** 3 - 16
The report of the Director Head of Planning, Building Control and Licensing is enclosed.

2. **Application relating to the renewal of hackney carriage vehicle proprietor (Public Excluded)** 17 - 50
The report of the Director of Planning Building Control and Licensing is enclosed.

Further Information

For help, advice and information about this meeting please contact the Committee Officer:

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This agenda was issued on **Wednesday, 4 September 2019** by the Governance and Scrutiny Support Unit, Manchester City Council, Level 3, Town Hall Extension (Mount Street Elevation), Manchester M60 2LA

**Manchester City Council
Report for Information**

Report to: Licensing & Appeals Committee – 9 September 2019

Subject: Taxi Compliance Quarterly Report – Quarter 4 2018/19

Report of: Director Head of Planning, Building Control and Licensing

Summary

To inform the Committee of the compliance work undertaken by the Licensing Unit for the following reporting period:

- Quarter 4 18/19 (January – March 2019)

Recommendation

That members note the report.

Wards Affected: All

Manchester Strategy Outcomes	Summary of the contribution to the strategy
A thriving and sustainable City: supporting a diverse and distinctive economy that creates jobs and opportunities	Demands and encourages compliance with legal requirements, therefore raises standards and public confidence in licensed vehicles with the potential to increase the public use of these services which benefits the City economy. Supports a safer night time economy in the City for visitors and residents as part of the overall transport offer.
A highly skilled city: world class and home grown talent sustaining the city's economic success	Effective regulation of Manchester licensed taxi and private hire drivers raises the standards of those operating within this part of the public transport industry, and promotes a world class fleet.

A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Manchester strives to have a world class taxi fleet that promotes equality and confidence to those living in, working in and visiting our City.
A liveable and low carbon city: a destination of choice to live, visit and work.	<p>Effective regulation of vehicle conditions ensures compliance with current emissions policies.</p> <p>Compliance activity provides a visible and reassuring presence to the public and serves to deter non-compliant and illegal taxi activity. All activity aims to ensure public safety and support Manchester as safe destination that people choose to live, visit and work in.</p>
A connected city: world class infrastructure and connectivity to drive growth	An effective compliance regime supports the ambition for a world class fleet and one that will assist economic growth.

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

Operation Aztec that has been the subject of a previous report to the committee is wholly funded by the Licensing Unit

Financial Consequences – Capital - None

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1.0 Introduction

1.1 This report provides the committee with information in respect of compliance work undertaken by the Unit during January - March 2019 and where possible provides comparative data to demonstrate performance and change.

2.0 Investigating Complaints Performance

2.1 The Compliance Team receives complaints/reports (from members of the public and the trade) against both Hackney Carriage and Private Hire licence holders.

2.2 All complaints are investigated with licence holders (where permission is required by the complainant, this is sought prior to investigations proceeding), who are given the opportunity to respond to any allegations made against them. All complaints are recorded against licence holder records, noting both the allegation and drivers' response, where we are satisfied that drivers have been correctly identified.

2.3 Complaints can result in one of the following outcomes:

- No further action (generally due to a lack of evidence or complainant/witness not supporting action)
- Advice given
- Formal Warning
- Referral to Officer Panel or Sub-Committee
- Prosecution

2.4 Table 1 details the number of complaints received quarterly by category, as well as comparison data to enable performance and trend analysis.

Table 1 – Complaints received by Quarter & comparisons

Complaint Category	Qtr 4 (17-18)	Qtr 1 (18-19)	Qtr 2 (18-19)	Qtr 3 (18-19)	Qtr 4 (18-19)	Last Qtr	Same Qtr last year
Fare, Route or Meter Issue	75	75	82	68	67	-1	-8
Traffic Incident (non-passenger)	100	91	113	96	83	-13	-17
Driver Conduct	21	25	27	22	18	-4	-3
Driving Matter (from passenger)	9	11	16	6	8	+2	-1
Refusal Of Hire	5	4	5	18	5	-13	0
Operator or Booking Issue	12	14	28	19	14	-5	+2
Illegal Ply	11	8	19	10	15	+5	+4
Licensed Driver Dispute	16	9	5	12	6	-6	-10
Driver Knowledge	2	3	0	0	4	+4	+2
Disability Issue	1	4	7	7	0	-7	-1
Other	30	40	39	54	56	+2	+26

Total	282	284	341	312	276	-36	-6
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2.5 The table identifies overall decreases in complaints both from the previous quarter and the same quarter last year. This general trend is seen as a positive as work to improve the standard of service provided by our licensed drivers has been driven by increased and concentrated compliance work over the last 3 years. As quarter 4 is normally a relatively quieter period for complaints, further analysis of data in the next quarterly reports for 2019/20 will provide a clearer indication of whether driver behaviour and customer satisfaction is improving.

3.0 Proactive Interactions & Operations

3.1 Routine checks are carried out on both day & night shifts at various locations across the City, including railway stations, the airport, hospitals and supermarkets. On night shifts interactions are targeted to hotspot areas causing congestion within the Night Time Economy, and locations where the risk of illegal activity is higher.

3.2 Table 2 below shows a breakdown of the interactions between the two tiers and of those licensed by Manchester compared to those licensed from other authorities. It shows that at present over a third of officer interactions are with non MCC licensed vehicles and drivers, and this is followed by a moderately smaller number of checks of MCC Hackney Carriages compared to MCC Private Hire. The relative percentages are following a trend of a slight increase in checks of drivers from other authorities to those reported within previous compliance reports. The slight decrease in total interactions is as a result of a decrease in activity following the festive period. Every interaction shown in the table below includes a driver check.

Table 2 – Proactive interactions by Quarter:

Vehicle and Driver Type	Qtr 1 18/19	Qtr 2 18/19	Qtr 3 18/19	Qtr4 18/19	Total	% of total
Manchester Hackney	663	1137	594	456	2850	28.4
Manchester Private Hire	654	932	649	551	2786	34.3
Other licensed drivers checked in Manchester	609	728	666	598	2601	37.3
Total	1926	2797	1909	1605	8237	

3.3 Proactive checks and investigations can result in one of the following outcomes:

- Advice given

- Formal warning
- Compliance Notice
- Suspension Notice
- FPN
- Referral to Sub-Committee
- Prosecution

3.4 Interactions with non-Manchester licensed vehicles and drivers can only result in formal action (prosecution) where a criminal offence is detected e.g. illegal ply for hire. Other offences that constitute breach of licence conditions are referred back to the host authority, and only the host authority has the jurisdiction to suspend or revoke a licence (regardless of where the offence occurred). Compliance officers spend considerable time and resource notifying other authorities with regards to issues identified with their vehicles and drivers, and the service is looking at ways this can be better recorded to enable reporting.

3.5 Notices

Compliance and suspension notices are issued against by Compliance Officers almost entirely as a result of proactive work, detecting faults or non-compliance with licence conditions to ensure a better standard of fleet and safety for passengers. The tables below provide details of the number of notices issued in the last quarter and the reasons for issuing.

Table 3 – Notices issues Qtr 4 2018/19

Vehicle Notices Jan - Mar 2019	Compliance Notice		Suspension Notice		Total
	PH	HC	PH	HC	
Defect Type					
Tyres	0	0	0	0	0
Bodywork / Interior	0	0	2	0	2
Electrical	0	0	0	0	0
Mechanical	0	0	0	0	0
Vehicle Other (Conditions e.t.c.)	3	0	7	0	10
Driver Matter	0	0	0	0	0
Total	3	0	9	0	12

As per the last report, the data shows that our Hackney Carriage fleet is very compliant, compared to the Private Hire fleet.

3.6 Fixed Penalty Notices (FPN)

FPNs are issued to any drivers smoking in a licensed vehicle, including drivers licensed by other authorities who are visiting or working within the City boundaries.

Table 4 – FPNs issued by Qtr

Smoking Fixed Penalty Notices	Q1 18/19	Q2 18/19	Qtr3 18/19	Qtr4 18/19	Total
Licensed Drivers (From All Authorities)	27	40	13	7	87

3.7 Prosecutions

Prosecution cases, on average take anything between 6 to 12 months to be concluded at Court. The most common offence types are:

- Ply for hire (and associated no insurance charge)
- Unlicensed
- Failure to wear ID
- Refusal to hire / carry passengers

The Committee and trade representatives have identified that illegal ply for hire is a priority for the City. The table below is a breakdown of referrals made by the compliance team for prosecution, identifying how many of those cases are for illegally plying for hire.

Table 5 – Summary of prosecutions by Qtr

	Cases referred for legal action	Number of which were Ply for Hire	Pending Trial	Number of which successful
Q1 18/19 (Apr – Jun 2018)	6	5	1	5 (to date)
Q2 18/19 (July – Sep 2018)	10	7	6	3 (to date)
Q3 18/19 (Oct – Dec 2018)	15	14	12	1 (to date)
Q4 18/19 (Jan – Mar 2019)	16	15	15	0 (to date)
Totals	47	41	34	9 (to date)

3.8 Operations

The Compliance Team have for a number of years participated in joint agency operations targeting both the day and night time Hackney Carriage and Private Hire trades. The Committee is already aware of Operation Aztec which

takes place at night with dedicated GMP Traffic Officers in both marked and unmarked vehicles working alongside Compliance Officers. More recently, Aztec has expanded its focus and now regularly targets illegal plying for hire using specially trained Special Constables undertaking journeys as customers in licensed vehicles. The Operations use different sites to direct vehicles for questioning under caution or vehicle checks, and the system is flexible to enable a check site to be shut down and moved on any given operation.

Compliance Officers also work closely with GMP colleagues and therefore also organise and support GMP on ad hoc operations in key locations across the City, including the airport or in response to emerging issues.

4.0 Senior Officer Panels & Licensing & Appeals Sub-Committees

- 4.1 Where on a new or renewal application (or during the currency of a licence) an individual has any convictions, cautions or other matters that require further consideration, these are, under the delegated authority of the Council, referred to either The Panel or Sub-Committee.
- 4.2 The Panel consists of a Senior Officer (normally a Principal Licensing Officer or the Licensing Unit Manager) accompanied by a legal adviser from City Solicitor's office. Applicants are invited to a Panel hearing, where a solicitor, trade union representative or friend, may accompany them or speak on their behalf.
- 4.3 The Sub-Committee consists of three Councillors selected from the full Licensing and Appeals Committee accompanied by a legal adviser from City Solicitor's office and a Governance Officer. Applicants are invited to a Sub-Committee Hearing, and may be accompanied by a solicitor, trade union representative or friend, to accompany them or speak on their behalf.
- 4.4 Where applicants are aggrieved by the decision of the Panel, or Sub-Committee to refuse, revoke or suspend a licence they have the right of appeal to the Magistrates' Court.
- 4.5 Performance
- 4.6 **Table 1 Appendix 1** shows the number of cases referred to the Senior Officer Licensing Panel for 2018/19 Qtr 4, by offence category and the outcomes.
- During this period, of the 11 cases referred, 1 licence application was refused by the Senior Officer Panel and 1 licence was suspended.
- 4.7 **Table 2 Appendix 1** shows the number of cases referred to the Licensing and Appeals Sub-Committee for 2018/19 Qtr 4, by offence category and the outcomes.
- 4.8 During this period, of the 21 cases referred; 3 licence applications were refused by the Sub-Committee, 2 licences were suspended, and 3 licences were revoked.

5.0 Case Summaries – outside the guidelines

- 5.1 The following paragraphs provide a brief overview of those cases and decisions taken by the Panel or Sub-Committee during Quarter 4 of 2018/19, that were made outside of the Council's Statement of Policy & Guidelines in relation to the relevance of convictions, formal cautions, complaints and/or other matters.

With each case, the Panel or Sub-Committee take into consideration the content of the report, any additional evidence presented at the hearing and statements made by all representatives.

The 'Reason' stated in each case is the presenting issue that prompted the referral to either Panel or Sub-Committee. The explanation provides as much information as possible, without providing identifying details.

5.2 Dishonesty – (1) Senior Officer Licensing Panel

- (1) Review of a hackney carriage driver's licence.

Reason: Dishonesty

Decision: Warning Issued

The Panel accepted the explanation of the driver that he was issued with a Fixed Penalty Notice for non-payment of a rail fare and that he had co-operated with the enforcement team who issued the ticket to him. The driver accepted that he had neglected to pay the fixed penalty and had been taken to court where the matter was heard in his absence, and the sentence was communicated to him which resulted in payment. The conviction was considered to be isolated and due to his failure to pay the Fixed Penalty, rather than being the result of any serious criminal act. It was therefore felt appropriate in all the circumstances to depart from the policy and issue a warning.

5.3 Major Motoring Offence (1) – Senior Officer Licensing Panel

- (1) Renewal of private hire driver's licence.

Reason: Major Motoring – Insurance IN10

Decision: Warning Issued

The driver gave an explanation that he had a traders' insurance policy in place and that the issue was that he had neglected to add the vehicle he was driving to the schedule. It was however noted that the vehicle was driven on a number of occasions without the necessary insurance being in place before he was finally stopped by Police. It was also stated that the offence was not in a licenced vehicle. It was also noted that there were three similar no insurance convictions on his record, but the last one of those occurred in

2000. In all the circumstances and taking into consideration the drivers frank and honest answers to questions raised by the panel, it was felt appropriate to depart from the guidelines and issue him with a warning.

5.4 Intermediate Motoring Offence (4) – Senior Officer Licensing Panel

- (1) Renewal of private hire driver's licence.

Reason: Intermediate Motoring – SP50 (Speeding)

Decision: Warning Issued

The driver had received two intermediate traffic offences within policy, however it was also considered that the matter would be outside policy in April 2019. As a result, he was issued with a warning as to future driving.

- (2) Renewal of private hire driver's licence.

Reason: Intermediate Motoring – SP50 (Speeding)

Decision: Warning Issued

The SP50 was issued in October 2018 and was just within policy. A warning was issued as to future driving conduct and in regard to reporting convictions

- (3) New Application for a private hire driver's licence.

Reason: Intermediate Motoring – SP30 (Speeding)

Decision: Warning Issued

This matter was still just within policy but was outside policy in August 2019. As there were no other convictions the driver was granted his application with a warning.

- (4) Renewal of private hire and hackney carriage driver's licences.

Reason: Intermediate Motoring – CU80 (Mobile phone use)

Decision: Warning Issued

Although the conviction related to an offence whilst driving a private hire vehicle no passengers were being carried at the time. In terms of the type of offence the Panel considered this an isolated conviction and in the circumstances decided it was appropriate to depart from the guidelines and issue the driver with a warning.

5.5 Drugs (1) – Licensing and Appeals Sub-Committee

- (1) Review of hackney carriage driver's licence.

Reason: Caution - Drugs

Decision: Granted with a Warning

The Committee accepted that the possession of the Class C drug (Khat), for which the applicant had received a simple caution. The applicant stated that it was left in his car by some of the youths in the community he had been giving a lift to. He had also declared the caution at the time it was given.

The Committee also accepted the comments that he had not fully understood the implications of accepting the caution, and that as the Khat was in his car and he could not say exactly whose it was, he was technically in possession of it. He did state that he did not know it was there, but was not aware he could have challenged the offence on this basis.

The Committee noted that he was now 44 years of age and had no other convictions or cautions and had a clean licence. They also noted he has been licensed to drive a hackney carriage for over 4 years with no issues or complaints.

The Committee accepted that this was an isolated incident with mitigation and that it was appropriate to depart from the guidelines on this occasion. The Committee therefore considered that the applicant was a fit and proper person to hold a licence.

5.6 Byelaw Offences & Complaints (1) – Licensing and Appeals Sub-Committee

(1) Review of hackney carriage driver's licence.

Reason: Conviction (Byelaw 9) – Driver Conduct

Decision: Granted with a Warning

The driver was called to attend Committee after a byelaw offence conviction relating to his conduct. This conviction came as a result of a complaint from two female passengers who had been left at a roundabout near the M60 motorway in Bredbury after a fare dispute.

The Committee heard from the driver and he fully accepted that on reflection he should not have left the women at a roundabout whatever the reason as it was not a safe place. The Committee accepted he fully understood the effect of his actions on that night and the Committee believed it was a one off matter and he will not repeat this behaviour.

The Committee also noted the driver has been driving with Manchester for over 8 years with no other issues or complaints during this time. As this was an isolated incident and the driver had shown genuine remorse and therefore the Committee were of the view that they could depart from their guidelines.

The Committee therefore found that the applicant was a fit and proper person to continue to hold a licence however that it was also appropriate to issue a warning as to his future conduct.

6.0 Appeals (2)

6.1 During the period of January – March 2019, there were 2 appeals heard relating Sub-Committee decisions:

1. Revocation of a private hire driver licence made in November 2018

Hearing: Magistrates Court on 18th January 2018

Outcome: Appeal withdrawn

2. Refusal of a private hire driver licence application made in August 2018.

Hearing: Magistrates Court on 18th January 2018

Outcome: Appeal dismissed, £200 costs awarded to MCC.

7.0 Conclusion

7.1 The report has provided a summary of the activity of the Taxi Licensing Team in Quarter 4 of 2018/19 (January – March 2019). The information provides Members with an update and overview of the types of complaints received, proactive investigations, activity and legal applications to uphold high driver and proprietor standards in Manchester. It also demonstrates the type of work being carried out in regard to the large number of drivers and vehicles that are working in the city that are licenced by other Licensing Authorities.

7.2 Members are asked to note the report.

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Table 1

Summary of cases referred to the Panel & outcomes
Quarter 4 2018/19

Senior Officer Licensing Panel January – March 2019											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Warning	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Warning	Refused	
Dishonesty					1						1
Major Motor Offence		1	1						3		5
Intermediate Motor Offence		1					1		3		5
Totting Up											0
Total	0	2	1	0	1	0	1	0	6	0	11
Appeal											

Table 2

Summary of cases and outcomes referred to Licensing and Appeals Sub-Committee
Quarter 4 2018/19

Sub-Committee January – March 2017											
Offence Category	New Application			Current Licence Holder				Renewal			Total
	Granted	Granted with Warning	Refused to Grant	No Further Action Taken	Warning Given	Revoked	Suspended	Granted	Granted with Warning	Refused	
Drugs		1	1		1						3
Sex Offence	1					1	1	1			4
Violence		2	1						1		4
DBS Info											
Dishonesty		2									2
Totting Up											0
IN10 /Ply for Hire & Complaints					1	2			1	1	5
Major Traffic Offence		1									1
Miscellaneous							1		1		2
Total	1	6	2	0	2	3	2	1	3	1	21
Appeal											

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